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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 IN RE: HIGH-TECH EMPLOYEE
16 ANTITRUST LITIGATION

17 THIS DOCUMENT RELATES TO:
18 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK
**DEFENDANT GOOGLE INC.'S
NOTICE OF COMPLIANCE WITH
FEBRUARY 27, 2013 ORDER**

1 Pursuant to this Court's Order re: Plaintiffs' Motion to Compel Production (dkt. 278) and
2 Plaintiffs' Notice of Request for *In Camera* Review (dkt. 338), Defendant Google Inc. gives
3 notice that it has submitted the documents listed in Plaintiffs' Notice of Request for *In Camera*
4 Review ("Request") for *in camera* review by the Court. For the Court's convenience, Google
5 has organized these documents into binders, as described below.

6 In support of their Request, Plaintiffs claim that all of the documents they have identified
7 either "have no attorneys on the communication whatsoever" or "an attorney was only copied on
8 the communication." Plaintiffs fail to mention, however, that seven of the documents (in Binder
9 A) are identical to the documents that the Court already reviewed *in camera*, and another 22 are
10 either from the exact same email chains that the Court has already reviewed or share the same
11 subject line or textual content (Binder B, Vols. 1 and 2, and Binder C).

12 Putting these documents aside, there are 94 documents that will be new to the Court—but
13 even these "new" documents raise no questions that this Court has not already addressed. In
14 particular, 40 of the documents are emails that are not from or to attorneys but copy attorneys
15 (Binder D), and 23 are emails that do not include an attorney in the to:, from:, or cc: field, but
16 explicitly reference advice or direction from a particular lawyer and that lawyer is listed in the
17 privilege log description (Binder E). Lastly, there are 31 documents that also do not include an
18 attorney in the to:, from:, or cc: fields, but include an explicit privilege legend or a reference to
19 advice or direction from "Google Legal Department" or "Legal" (referring to Google's in-house
20 legal department), as made clear in the privilege log description (Binder F). As described below,
21 documents that the Court has already reviewed *in camera* and found to be privileged share at
22 least one of the characteristics described above of each of these types of documents contained in
23 Binders D, E, and F.

24 Each of the enclosed binders is described below:

25 **1. Binder A: Documents that the Court has already reviewed *in camera*.**

26 Of the 123 documents that Plaintiffs have demanded the Court review *in camera*, seven
27 are identical to the documents that the Court already reviewed *in camera*.
28

These documents are listed below by their privilege log entries as cited by Plaintiffs and by the Tab Numbers from the binders of documents that Google previously submitted to the Court for *in camera* review:

Consolidated privilege log entry	Document already reviewed <i>in camera</i>
1027	Tab 14
2068	Tab 16
2207	Tab 20
2638	Tab 21
2647	Tab 12
2832	Tab 11
7194	Tab 15

2. Binders B, Vols. 1 and 2: Documents that are emails sharing a common thread with documents that the Court has already reviewed *in camera*.

Although not exactly identical to documents that the Court already reviewed *in camera*, the following documents come from the same email chains or “threads” that the Court has already reviewed and found to be privileged.

These documents are listed below by their privilege log entries as cited by Plaintiffs and by the Tab Numbers from the binders of documents that Google previously submitted to the Court for *in camera* review:

Consolidated privilege log entry	Same email thread already reviewed <i>in camera</i>
429	Tab 15
430	Tab 15
1025	Tab 14
1026	Tab 14
1665	Tabs 18 and 19
2000	Tab 13
2001	Tab 13
2677	Tab 15
2678	Tab 15
2687	Tab 16

Consolidated privilege log entry	Same email thread already reviewed <i>in camera</i>
2688	Tab 16
2720	Tab 8
2831	Tab 11
3125	Tab 9
3299	Tab 11
7150	Tab 16
7195	Tab 15

3. Binder C: Documents that share a subject line or substantial text with documents this Court has already reviewed *in camera*.

This binder also contains emails now identified by Plaintiffs that, although not exactly identical to documents that the Court already reviewed *in camera*, share the same subject line or significant internal text content with emails that the Court has already reviewed and found to be privileged.

These documents are listed below by their privilege log entries as cited by Plaintiffs and by the Tab Numbers from the binders of documents that Google previously submitted to the Court for *in camera* review:

Consolidated privilege log entry	Document with same subject line or content already reviewed <i>in camera</i>
207	Tab 10
223	Tab 10
1173	Tab 16
2719	Tab 8
7167	Tab 16

4. Binder D: Documents that include an attorney only in the cc: field.

This binder contains documents whose privilege log entries do not include an attorney in the to: or from: fields but only in the cc: field. These documents are reflected in log entries: 509, 533, 540, 702, 884, 1029, 1030, 1042, 1043, 1103, 1464, 1746, 1832, 1963, 2003, 2007, 2118, 2354, 2355, 2410, 2471, 2528, 2645, 2780, 2781, 2808, 2856, 2857, 3105, 3106, 3152, 3155, 3156, 3157, 3231, 3699, 4150, 6269, 6537 and 7080. Like documents the Court has already

1 reviewed in camera (at Tabs 13, 14, 15 and 17), each of these documents in this binder “cc” an
2 attorney in the communication.

3 **5. Binder E: Documents that refer to the advice of a lawyer, who in turn is**
4 **identified in the privilege log description.**

5 This binder contains documents that do not include an attorney in the to:, from:, or cc:
6 fields, but reference legal advice from a specific attorney in the body of the document (and that
7 attorney is listed in the privilege log description). These documents are reflected in log entries:
8 554, 555, 679, 683, 684, 686, 687, 688, 1033, 1034, 1172, 1260, 1619, 2014, 2061, 2114, 2234,
9 2448, 3111, 3112, 4712, 6333, and 7166. Each of the documents is like four of the documents
10 that the Court has already reviewed *in camera* at Tabs 12, 18, 19, and 20, each of which also do
11 not include an attorney in the to:, from, or cc: fields but reference legal advice from an attorney
12 who is listed in the privilege log description.

13 **6. Binder F: Documents that identify Google’s legal department as the source of**
14 **legal advice.**

15 This binder contains documents which do not include an attorney in the to:, from:, or cc:
16 fields but do: (i) explicitly refer to Google’s legal department (e.g., as “Google Legal” or
17 “Legal”) in the body of the document as the source of legal advice (and the privilege log
18 identifies the “Google Legal Department” in the description field); (ii) contain a legend on the
19 document asserting the attorney-client privilege; or (iii) reflect explicit legal advice regarding
20 securities or tax issues in the body of the document. These documents are reflected in log
21 entries: 546, 600, 739, 740, 1019, 1032, 1557, 1558, 1733, 1885, 1888, 1994, 1995, 2145, 2178,
22 2344, 2345, 2346, 2347, 2400, 2779, 2792, 2952, 3109, 3110, 4513, 4558, 4560, 4615, 7079, and
23 7128. Each of the documents included in this binder shares at least one of these three
24 characteristics listed above with documents that the court has already reviewed *in camera* at
25 Tabs 8, 11, 16 and 21 (which also had “Google Legal Department” listed as the source of legal
26 advice in the corresponding log descriptions, based on the presence of similar content in the
27 document itself).

1 Respectfully submitted,

2 Dated: March 7, 2013

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